HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO.26264 of 2007

Dated:11-12-2007

Between:

C.O.Badri Narayana Reddy

..... Pe

AND

The Govt. of Andhra Pradesh,
Rep by Prl.Secretary,
Municipal Administration, Hyderabad.

And another.

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Counsel for the petitioner : Sri I.Naveen kumar

Counsel for Respondents : Sri S.I.Newton, Standing Counsel

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.26264 of 2007

O R D E R:

This writ petition is filed for a writ of mandamus to declare the action of the respondents in not following the procedure established in law by seeking to dispossess the petitioner unauthorisedly from his property bearing Plot No.66 comprised in survey No.692-A and 692-B/1 of Tadipatri Municipality, Anantapur district as illegal, arbitrary and violative of Articles 19, 21 and 300-A of the Constitution of India. The petitioner also sought for consequential direction to the respondents to follow procedure established by law in taking possession of the said property.

Heard Sri I.Naveen kumar, learned counsel for the petitioner and Sri S.I.Newton, learned Standing Counsel for the respondents.

At the hearing, Sri S.I.Newton submitted that the proposed widening of the road to the width of 80' does not affect the plot of the petitioner bearing No.66 as per the revised lay out plan filed by the petitioner. He submitted that the petitioner is in occupation of a portion of road margin and the respondents are proposing to utilize only the said portion without entering into any part of the plot area of the petitioner.

Sri Naveen Kumar, learned counsel for the petitioner submitted that so long as respondent does not interfere with the possession of the petitioner in respect of plot No.66, the petitioner will not have any grievance.

In view of the respective submissions of the learned counsel, the writ petition is disposed of. The respondents shall not interfere with the possession of the petitioner in respect of plot No.66 in survey No.692-A and 692-B/1 either without the consent of the petitioner or without following due process of law for acquiring the land. It is however made clear that this order does not preclude the respondents from utilizing the road margin which does not form part of the petitioner's plot for the purpose of widening the road.

Subject to the above observation, the writ petition is disposed of.

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C.V.NAGARJUNA REDDY,J

Date:11.12.2007

Note:
Issue c.c. in three days.
B/o.
mdaa